DRAFT

Minutes Windsor Town Council Meeting Town Hall October 13, 2009

The Windsor Town Council met in regular session on October 13, 2009 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Marvin A. Crocker, Jr. was present, and he called the meeting to order. He welcomed those who were present. He asked for anyone with cell phones to please turn them off. He asked the Clerk to call the roll. Robin Hewett, Town Clerk, recorded the minutes. John L. Rowe, Jr., Interim Town Manager, Police Chief Porti, Michael Stallings, Assistant Town Manager/Planning and Zoning Administrator, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present:

J. Clinton Bryant Wesley F. Garris William L. Jones Carita J. Richardson Durwood V. Scott Greg Willis

Mayor Crocker asked Councilman Bryant to give the invocation and Councilman Bryant did.

Public Hearing

None

Delegations, Public Comments, and Citizens Concerns

Glyn Willis, 24291 Lovers Lane said he comes before Council to make two requests regarding the Isle of Wight County's intermodal park project. He said the first request is that Town Council provide a summary of how it is working with the County on the project. He said the second request is that Council takes a proactive role in providing citizens with information and activities related to the project, which could be included in the town newsletter. Mr. Willis said he feels the information that would benefit the citizens might include the following items: 'How is the Town working with VDOT and the County on the delayed Route 460 bypass project?" "How is the Town working with the County on the acquisition of land for the park?" and "How is the Town working with the County to accommodate the 50,000 people that Chairman Brown of the Isle of Wight Board of Supervisors predicts will live in Windsor in 20 years?" Mr. Willis said he recognizes that at this point in the meeting is not appropriate for a response, but would ask Council to take this up under new business and give an indication as to whether the Town leaders will commit to providing information to the citizens on the intermodal project.

Mr. Willis gave Mayor Crocker a copy of his comments for Council's consideration. Mayor Crocker asked the Clerk to make sure Council has a copy of Mr. Willis' comments before leaving the meeting. The Clerk said she would take care of this matter.

Macon Edwards, 16 Virginia Avenue, said he just wants Council to know that he is still in opposition of the new Town Charter.

Consent Agenda

Mayor Crocker asked for approval of the consent agenda, which included the minutes of the August 6, 2009 Council Work Session, minutes of the September 8, 2009 Council meeting, and the Treasurer's reports. Vice Mayor Jones made a motion to approve the consent agenda as received. Councilman Bryant seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Councilman Garris asked why the invoice for the demolition of the Saunders home had been paid when the land had not been properly graded. Mr. Rowe explained to Council that the land was graded concave instead of convex so that the water would not run into the next door neighbor's yard and present a drainage problem for them. Vice Mayor Jones also commented on the grading of the property and the water drainage.

Town Manager's Report (Given by the Assistant Town Manager)

The Proposed New Town Charter

Mr. Stallings said the first item is the proposed new Town Charter. He said at Council's last work session it asked that this item be placed on the agenda. He said the change that was made at the work session has been made to the proposed new Town Charter. He said the Mayor will continue to vote only when there is a tie vote, and this manner of voting is included in the proposed Charter. Mayor Crocker asked for a motion on the proposed new Town Charter and a second before further discussion.

Councilwoman Richardson said she had a citizen approach her last night on this issue and this citizen wants more time to review the proposed Charter. Councilwoman Richardson made a motion to table the proposed new Town Charter until new Council is seated in a few months, which will give time for more citizen input. Councilman Scott seconded the motion.

Vice Mayor Jones asked how much longer this item was going to be pondered. He said the corrections have been made that were suggested. He asked what else they wanted in the Charter. He said he has worked on this item for 11 months and nothing has been accomplished. He said Council is spinning its

wheels, and he feels it has been doing this for the last several years. He said he feels Council is going backwards. Vice Mayor Jones said he likes having a working Council. He asked what is wrong with the Charter that it cannot be accepted as is.

Councilwoman Richardson said she respectfully disagrees with Vice Mayor Jones. She said there have been changes in language that is very important. She said when Council first received the proposed new Town Charter it had given up the right to hire the Treasurer. She said she has mentioned in work sessions that there is an amendment in the Code (Section 21-2) that states the manager so recommends the Police Chief and Council affirms this. Councilwoman Richardson said Council is giving up that right in the proposed new Town Charter, and this is what citizens having been speaking in opposition on. She said several concerns brought to Council by citizens have not been discussed. She said several concerns she has have not been discussed either. She asked why Council is pushing this item right now. She said that Council should have a Charter that all of Council is comfortable with and not have a split vote to pass the Charter. Councilwoman Richardson said she understands that there are two members of Council that are not running again for Council, and they are also looking at hiring a new town manager, so why push this issue right now.

Councilman Scott said citizens have come to speak on this issue and they have brought up some very good points. He said Council has not had any citizens come in support of the proposed new Town Charter. He said he cannot support the change in the form of government at this time. He said he would like to look at the existing Charter and make the updated changes necessary as a Council as a whole. He said Council has to live with the new Charter for a long time once it is accepted by the General Assembly.

Councilman Willis said he agrees with Vice Mayor Jones. He said he is disappointed that Council has spent so much time with work sessions and discussions for 11 months to have it tabled. He said Council has had citizens that oppose the proposed new Charter, but they do not offer any solutions or alternatives to what has been presented. He said he agrees with Councilwoman Richards that a document as important as a Charter at the very least should be supported with a super majority, not just a simple majority situation. Councilman Willis said he is inclined to believe that may be impossible. He said this is very difficult for him, but he is going to support Councilwoman Richardson's tabling because he feels that if no one agrees with the Charter, then Council has a lifetime to get it right. Councilman Willis said he does not want someone to tell him that they do not like the way the Charter looks. He said he wants to be presented with something legitimate and an alternative to fix what is wrong, which will help in taking steps to move forward and not be sitting idle. He said these concerns should have been brought up when Council was covering these

points so it could be fixed by now. He said he is going to support the tabling, but he does not want Council to waste his vote. He said let's fix the Charter.

Councilman Garris said he does not have a problem with the proposed new Charter as presented. He said if there have been questions raised, then they need to be addressed. He said he agrees with Councilman Willis that solutions need to be offered. He said it should not take Council six months to do this. He said it should only take a couple of months to get this matter resolved.

Mayor Crocker said what is disturbing to him is that should be a simple process for us all. He said what is further disturbing is the Town needs to update its Charter. He said he understands Councilwoman Richardson's comment to table for six months for new Council members, but it will also lose the wisdom and knowledge of the current Council members. He said the new Council members will be "green" on this process. He said he understands Vice Mayor Jones' frustrations. He said, at his request, he asked former Mayor Claude to review the proposed new Town Charter, and he made one recommendation on the Charter with the wording "official" and "officer". He said this correction was made to the Charter. Mayor Crocker said Mr. Claude does not find anything wrong with the proposed new Town Charter. He said that Councilwoman Richardson and Councilman Scott have been negative towards the Charter from the beginning, which he feels is fine. Mayor Crocker asked the Clerk to make the draft proposed new Town Charter as a permanent record of the minutes. He said the record is going to show what Council has done with this Charter tonight. He said Council has had a year set aside to review this Charter, page by page, sentence by sentence.

Mayor Crocker called for the question on the motion to table the proposed new Town Charter. Council passed the motion four to two as recorded on the attached chart as motion #2.

General Fund Budget Transfer

Mr. Stallings said the next item is a transfer in the amount of \$20 from account 4-100-12210-6001, legal-supplies, to account 4-100-12210-5810, legal-dues and subscriptions. He said the need for this transfer is because the annual dues for the Local Government Attorneys of Virginia, Inc. are slightly over the budget estimate. He said that he recommends that Council approve the transfer.

Councilman Willis made a motion to approve the transfer in the amount of \$20 from account 4-100-12210-6001, legal-supplies to account 4-100-12210-5810, legal-dues and subscriptions within the 2009-2010 operating budget. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

Rural Development Loan - Appropriation of Local Match

Mr. Stallings said the enclosed resolution is for Council's consideration, and it appropriates the sum of \$50,000 from the Unappropriated Fund Balance of the Water Fund for the Town's federally required contribution to this capital project. He said this is a one-time expenditure for a capital project and not a recurring cost. He said this appropriation will not have any impact on the Town's water rate. He said that he recommends that Council adopt this resolution.

Mayor Crocker asked the Clerk to read the title of the resolution and she did.

Vice Mayor Jones made a motion to adopt the resolution entitled: A Resolution Appropriating the Sum of \$50,000 from the Unappropriated Fund Balance of the Water Fund for the Federally Required Local Contribution to the 2009 Rural Development Capital Project funded Via the Loan Proceeds of a \$1,331,000 Loan from the Rural Development Agency of the United States Department of Agriculture. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Resolution Approving Certain Rural Development Forms

Mr. Stallings said this resolution relates to the \$1,331,000 loan from Rural Development of the United States Department of Agriculture to the Town of Windsor for financing a capital project consisting of certain improvements to the Town's water system. He said in order to comply with the Letter of Conditions issued by Rural Development, the Town must execute certain Rural Development forms. He said this resolution is for Council's consideration, and it authorizes the Town Manager to execute these forms as required by Rural Development. He said a copy of the forms is also enclosed with the resolution. He said he recommends that Council adopt the resolution.

Mayor Crocker asked the Clerk to read the title of the resolution and she did.

Vice Mayor Jones made a motion to adopt the resolution entitled: A Resolution Approving Certain Rural Development Forms Pertaining to a \$1,331,000 Loan from the Rural Development Agency of the United States Department of Agriculture for Certain Water System Improvements Within the Town and Authorizing and Directing the Town Manager to Execute the Same. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

Mayor Crocker asked the Town Attorney if he had reviewed the resolution and forms attached to the resolution. Mr. Pretlow said he has reviewed the resolution and forms and it all is in order.

Grass Cutting Policy

Mr. Stallings said the staff is in the process of making a "Policy Notebook" for Council. He said that with this process, staff is reviewing and revising all the policies to make sure that they are up to date and consistent with the various applicable provisions of the State and Town Codes. He said the first policy that is out of date is the policy on the Town's cutting of grass and weeds on private property. He said this policy states: "In the event the Town of Windsor is required to cut or mow a lot because the owner fails to respond to written notice to cut weeds or grass in excess of 12", in accordance with Section 9-4-2 of the Town Code, the Town shall charge a fee of fifty dollars (\$50) per hour, (with a minimum charge of fifty dollars (\$50)) or actual cost if contracted to a private business plus \$25 administrative fee for cutting the owner's property. Amended August 13, 2002 by Council."

Mr. Stallings said as Council is aware, at its October 14, 2008 Council meeting, Council adopted Ordinance Number 08-09-2 that amends that section of the Town Code pertaining to weeds and refuse maintenance on private property. He said for Council's reference he has included a copy of that ordinance. He said Council's adoption of this ordinance makes the above grass cutting policy obsolete. He said that he recommends that Council adopt a motion repealing this policy.

Councilman Scott made a motion to repeal the August 13, 2002 grass cutting policy because Council's adoption of Ordinance Number 08-09-2 on October 14, 2008 makes it obsolete. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

DCJS Grant Award - Appropriations Resolution

Mr. Stallings said this resolution is for Council's consideration that accepts a grant from the Virginia Department of Criminal Justice Services (DCJS) in the amount of \$17,917 as well as a required local match in the amount of \$5,972 from the Unappropriated Fund Balance of the General Fund. He said this grant, along with the local match allows the Town to undertake a much needed \$23,889 public safety project. He said this project will enable the Police Department to purchase a Records Management System. He said this system will allow for a more efficient service to our residents who desire a copy of police reports or information about criminal activity in their neighborhood and it will enable the police department to establish a crime rate for the Town. Mr. Stallings said this system is needed in order to analyze criminal trends and to qualify for future federal grants to combat crime. He said that he recommends that Council adopt the resolution.

Mayor Crocker asked the Clerk to read the title of the resolution and she read the resolution title as follows: "A Resolution Accepting A Grant Award From The

Department of Criminal Justice Services of The Commonwealth of Virginia For Criminal Justice System Improvements For The Windsor Police Department And Appropriating The Grant Funds Along With The Required Local Match From The Unappropriated Fund Balance Of The General Fund To The Town's Operating Budget For Fiscal year 2009-2010."

Mayor Crocker asked Chief Porti if he had any comments on this item. Chief Porti said this grant allows the police department to have a system which will allow them to have a crime rate for the Town of Windsor. He said currently Windsor does not have a crime rate because all reports are submitted to the Isle of Wight County Sheriff's Office. He said after establishing a crime rate over a three year period the department will then be eligible for other grants. He said this system will also provide better customer service for anyone needing reports or statistics for their neighborhood. Chief Porti said this grant is just for software. He said they will be partnering with the Town of Smithfield by sharing a space on their server system for Windsor's use.

Councilman Willis made a motion to adopt the resolution entitled: A Resolution Accepting a Grant Award from the Department of Criminal Justice Services of the Commonwealth of Virginia for Criminal Justice System Improvements for the Windsor Police Department and Appropriating the Grant Funds Along With the Required Local Match from the Unappropriated Fund Balance of the General Fund to the Town's Operating Budget for Fiscal Year 2009-2010. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

Council asked about on-going costs with this project. Chief Porti said the grant will take care of the costs for the first year and each year after he will include a maintenance fee of approximately \$1,000 in the Police Department budget to cover this cost.

Isle of Wight Intergovernmental Relations Meeting

Mr. Stallings said there is an intergovernmental relations meeting tentatively scheduled for October 28, 2009 at 5:00 p.m. in the Council Chamber. He said that he recommends that Council confirm and establish a meeting with the County's Intergovernmental Relations Committee by the adoption of a motion.

Mayor Crocker made a motion for Town Council to meet with the Isle of Wight County Intergovernmental Relations Committee at 5:00 p.m., Wednesday, October 28, 2009, in the Council Chambers, Windsor Town Hall. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

New Sidewalk Construction

Mr. Stallings said as Council is aware, at its September 15, 2009 work session it discussed the locations for the new sidewalks the Town intends to build with federal stimulus funding. He said since that work session, we have been working with the Virginia Department of Transportation (VDOT) and our engineer to move forward with this project. He said the engineer recently notified us of a possible problem with the Route 460 portion of the sidewalks. He said it is the engineer's opinion that there is not enough room within the right-of-way to construct the new sidewalk.

Mr. Stallings said with the information from the engineer, he would recommend to Council to approve alternative locations for sidewalks. He said we will continue to work towards the Route 460 location, but if we cannot bring it fruition, then we need to have approved alternative locations. He said after evaluating the Town for possible locations for sidewalks we have developed several recommended locations. He said that staff recommends that Council approve Holland Drive, Holland Lane and Shirley Drive as the alternative locations for new sidewalks. Mr. Stallings said he recommends that Council approve by motion the alternative locations for the construction of sidewalks with federal stimulus funds if the Route 460 portion does not come to fruition due to right-of-way issues.

After discussion among Council, Councilman Scott made a motion to approve the alternative locations as depicted on the aerial photograph entitled "Attachment A" for the construction of sidewalks with the 2009-2010 federal stimulus funds, if the right-of-way cannot be acquired for the Route 460 portion to reach Community Electric. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9

Status of New Policy Notebook

Mr. Stallings said this agenda item is for Council's information, and it is brought to Council so that it will know that the new "Policy Notebook" that we will soon give Council will have a new look. He said the policy notebook will include the formal policy statements that Council has adopted, along with ordinances and resolutions that set forth Council's policies on a variety of matters.

Calendar of Events

Mr. Stallings said the calendar of events is in Council's agenda packet for Council's information.

Others

Mr. Stallings said Council has a memorandum from the Town Manager recommending that Council set a meeting for Friday, October 16, 2009 at 4:00 p.m. He said the purpose of this meeting is to consider two matters. Mr. Rowe said the first item is to consider adopting the necessary documents to award the contract for the water system improvements work that we received bids on today. He said the second item is the annual "car tax credit" matter. He said staff is working to have a percentage available for Council this Friday so that it can adopt an ordinance setting the percentage of the State's car tax credit for tax year 2009. He said he recommends that Council adopt a motion to set this Council meeting.

Vice Mayor Jones made a motion to set a meeting of Council for 4:00 p.m., Friday, October 16, 2009, in the Council Chamber of the Windsor Town Hall for the purpose of considering a resolution to award certain water system improvements to the lowest responsive bidder and appropriating the required amount of proceeds from a loan from the Rural Development agency for the same and to consider the adoption of an ordinance that establishes the percentage of the State's personal property tax relief credit for tax year 2009. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10.

Police Chief's Report

Chief Porti said he would like to take this time to thank Council for the opportunity to attend the FBI National Academy. He said he graduated on September 18th. He said his officers did an outstanding job in his absence. He said for the month of September there were a total of 213 calls of which Windsor Police Department answered 202 calls. He said there were a total of 146 traffic stops which resulted in 169 traffic summons and 22 warnings. Chief Porti said there were 14 felony arrests which resulted in 17 charges and seven misdemeanor arrests which resulted in eight charges. He said last Friday was the Windsor High School Homecoming parade which went very well. He said they are currently preparing for the Trick-or-Treat activities up coming. He said during his absence there was a robbery at the Dairy Queen and two individuals were apprehended right away. He said the third and last individual involved has been located and arrested.

Mayor Crocker said the article in the newsletter was very good. He commended the Chief on all of his accomplishments.

Town Attorney's Report

Mr. Pretlow said he has notice stating that there are more reports from Dominion Virginia Power if anyone would like to review them let him know and he will order

a copy. He said there is one other matter that is under sealed suit that he will get with the town manager on this item.

Mayor Crocker asked if there was any news on the car situation on Virginia Avenue. Mr. Pretlow said he cannot find a way to get an ordinance to clean this up short of what is currently in the Code. Mr. Stallings said the only avenue they could take is to limit vehicles parked on paved surfaces. He said the individual could then widen the driveway to fix that problem. Mr. Pretlow said this could be considered a nuisance, but a suit would have to be filed in circuit court on the nuisance ordinance.

Vice Mayor Jones asked about the status of abandoned buildings in Windsor. Mr. Stallings said if the structure is boarded up and not deemed unsafe by the County's building inspector, there is nothing the Town can do within the Town ordinance.

Mayor's Report

Mayor Crocker said he has received two Isle of Wight County Action List reports since Councils last meeting and it is in the Town office for review. He said back in late August he received a series of emails from a Council member from Hampton City Council requesting the Town's support in form of a letter. He said the County received this email also. He said this email exchange is regarding Green Job Alliance. He said after speaking with each Council member, it was agreed to draft a letter of support. He said he has not heard anything further on this matter. He said on September 25, 2009 there was an article in the newspaper that Virginia received \$16.1 million for Green initiative. He said the article stated that out of the \$16.1 million that \$9.7 million will be directed to small communities to complete energy audits on homes and businesses.

Other Reports

Councilwoman Richardson said the Friends of the Library met on October 12, 2009, and they are going to have a book sale on Saturday, October 21, 2009 from 9 a.m. to noon. She said individuals can fill a bag as much as they like for \$5. She asked Mr. Stallings to put this announcement on the Town's sign. She said October 18-24, 2009 will be fine free week at the library. She said the library is asking patrons to donate a can food item during this time. She asked to have this information also on the Town sign.

Councilman Willis said there is a section of sidewalk in front of the old Godwin house on Church Street that needs repairing. Mr. Stallings said he would take care of getting this repaired.

Planning Commission

Mayor Crocker said he would like to recognize Ms. Francis Butler a member of the Town's Board of Zoning Appeals in attendance tonight.

Mr. Stallings said the Planning and Zoning report for the month of September is before Council. He said the Town issued four zoning permits and one notice of violation. He said since the beginning of summer the Town has had a private contractor cutting grass at four different locations within the town. He said this is directly related to the weeds and refuse ordinance that Council adopted in October, 2008.

Councilman Garris asked Mr. Stallings if he checks for yard sale signs throughout town. Mr. Stallings said he checks for signs that are not in the appropriate locations during the week, with the assistance of the maintenance personnel. Councilman Garris said there was a yard sale sign left on North Court Street. Mr. Stallings said he would take care of getting the sign down. Mayor Crocker suggested running the yard sale regulations in the newsletter more often. Mr. Stallings said this item is in the newsletter quite often, and we will put in the next upcoming newsletter.

Vice Mayor Jones asked Mr. Stallings who is responsible for cutting the grass around the ponds in Town. Mr. Stallings said the property owner was responsible for the upkeep of the ponds. Vice Mayor Jones said the pond at the Citizens National Bank and the shopping center needs to have the grass cut around it. Mr. Stallings said he would take care of notifying the property owner. Council further discussed the ponds and how they can be constructed in the future for better appearance in Town.

Mr. Stallings said the next Planning Commission meeting is scheduled for 7:00 p.m. on October 28, 2009. He said at this meeting there will be a public hearing on the subdivision plan for Holland Meadows. He said this item will come before Council at its December Council meeting.

Old or Unfinished Business

Councilman Willis asked if Mr. Stallings could comment on the rezoning of the intermodal park property in the County. Mr. Stallings said this process is still in the comments stage. He said no public hearing has been scheduled for this matter. He said the planner with Isle of Wight County told him that at this point they have a lot of work to do. Councilman Willis asked if the comments Mr. Stallings sent to Isle of Wight County were public record. Mr. Stallings said yes this information is available for anyone who wishes to review and if you let him know he will make a copy. He said the plans are in the Town Hall if anyone would like to review them. He said because this is a County project they are the

ones with the most information, and the Town only has the information that the County has supplied.

Councilman Garris asked about the status of the Farmers Market. He said there are signs still up and articles in the newspapers, but there are no vendors at the site and have not been for a while. Mr. Stallings said the Farmers Market has been disbanded. He said the article in the newspaper is for an advertisement for an "old town" market for the Town of Smithfield which took place this past weekend. He said the vendors for the Town's market have been selling in other places throughout town if they have produce to sell. Councilman Garris said the signs are still out for the Farmers Market. Mr. Stallings said he would call the County representatives for the market again to have the signs picked up. He said if they do not pick them up, he will take care of getting the signs removed.

Mayor Crocker asked if there was going to be an evaluation on the location of the Farmers Market this year for next year. Mr. Rowe said there has been a meeting with County representatives and the vendors, and they feel there is no right location in Windsor. He said the mindset of the vendors was they can pick their on site and have better success at selling their produce.

New Business

Mayor Crocker said we need to touch on Mr. Willis' concern, but will need to explore the matter further. He said because of the annexation agreement, the Town has an obligation to the citizens and the County has an obligation to the Town to inform them of any changes taking place with property within a mile radius of the Town. He said there was a public meeting by the County about a year ago regarding the intermodal park. Mayor Crocker said the Town has been in harmony with the County on the Route 460 bypass. Mr. Stallings said the Route 460 bypass project has been indefinitely suspended by VDOT. Mayor Crocker said when Council has the Intergovernmental meeting with the County Mr. Willis' concerns need to be added to the agenda so his concerns regarding the intermodal park can be addressed. He said this matter needs to be kept in the forefront and be in touch with the County and periodically report back to the citizens the progress of the intermodal park. Mr. Rowe said he has made a note to contact Mr. Willis and ask him to come in to discuss his concern on the intermodal park.

Vice Mayor Jones made a motion to adjourn. Councilman Garris seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #11. The meeting adjourned at 9:05 p.m.

Marvin A. Crocker, Jr., Mayor Robin Hewett, Clerk

TOWN OF WINDSOR RECORD OF COUNCIL VOTES

Council Meeting Date Oct. 13, 2009

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Windson Town Council Oct. 13, 2009 Robin Howett, Clerk Treas.